

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on July 31, 2009 which has been reviewed and carefully considered.

By means of the present amendment, claims 5 and 7 have been canceled without prejudice and their features included in independent claims 1 and 3. Accordingly, no new issues requiring a new search have been introduced and entry of the present Amendment is respectfully requested.

Claims 1-4, 6 and 8 remain in this application, where claims 5 and 7 have been canceled without prejudice by the present amendment. Claims 1 and 3 are independent.

In the Final Office Action, claims 1, 3, 6 and 8 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,151,286 (Inoue) in view of U.S. Patent Application Publication No. 2002/0021629 (Hitotsui). Further, claims 2 and 4 are rejected under 35 U.S.C. §103(a) over Inoue in view of Hitotsui and U.S. Patent No. 6,198,708 (Suzuki). Claims 5 and 7 are rejected under 35 U.S.C. §103(a) over Inoue in view of Hitotsui and U.S. Patent Application

Publication No. 2001/0007544 (Fujisawa). Applicants respectfully traverse and submit that claims 1-4, 6 and 8, as amended, are patentable over Inoue, Hitotsui, Suzuki and Fujisawa for at least the following reasons.

On page 6 of the Final Office Action, in rejecting claims 5 and 7, it is correctly noted that Inoue and Hitotsui do not disclose or suggest "wherein in response to the update command, only update of the recorded area indicator is performed and a track or a session of the write once recording medium is not closed, the track or the session remaining open for future recordings in the track or the session," as previously recited in claims 5 and 7, and now currently recited in amended independent claims 1 and 3. Paragraphs [0283] and [0284] of Fujisawa are cited in an attempt to remedy the deficiencies in Inoue and Hitotsui.

Fujisawa is directed to dubbing apparatus for inhibiting high-speed dubbing for a predetermined time period if, at a time of high-speed dubbing of a program from a first storage medium onto a second storage medium, the first storage medium is found to have been subjected to high-speed dubbing earlier by another predetermined time period. (See Abstract)

Paragraphs [0283] and [0284] describe the steps shown in FIG 14 where data partially recorded, on a magneto-optical disc MD 90, are erased in step S212. This is achieved by updating the contents of U-TOC sector 0 on the MD 90 "to turn the partially recorded area of the current track into a free area." (Fujisawa, paragraph [0284], lines 4-5)

It is respectfully submitted that such a disclosure is related to erasing partially recorded data, and does not disclose or suggest, to "only update of the recorded area indicator ... and a track or a session of the write once recording medium is not closed, the track or the session remaining open for future recordings in the track or the session," as recited in amended independent claims 1 and 3. Further, any partial erasing of recorded data and update of the U-TOC sector 0 on the currently loaded MD 90 in Fujisawa is not in response to any user update command. Rather, as clearly shown in FIG 14, step S212 where data is erased is in response to a matching performed in step S205, or in response to a negative outcome to an inquiry in step S209 regarding "normal end of dubbing."

There is simply no disclose or suggestion in Inoue, Hitotsui,

Fujisawa, and combinations thereof of the present invention as recited in independent claim 1, and similarly recited in independent claim 3 which recites (illustrative emphasis provided):

recorder for recording information on a write once recording medium comprising a writer controlled by a processor, wherein the processor is operative to perform an update of a recorded area indicator on the write once recording medium in response to an update command provided by a user of the recorder, wherein in response to the update command, only update of the recorded area indicator is performed and a track or a session of the write once recording medium is not closed, the track or the session remaining open for future recordings in the track or the session.

Only updating of the recorded area indicator, where a track or a session of the write once recording medium is not closed, and the track or the session remains open for future recordings in the track or the session of a write once recording medium, in response to an update command provided by a user, is nowhere Inoue, Hitotsui and Fujisawa, alone or in combination. Suzuki is cited to allegedly show other features and does not remedy the deficiencies in Inoue, Hitotsui and Fujisawa.


Accordingly, it is respectfully requested that independent claims 1 and 3 be allowed. In addition, it is respectfully submitted that claims 2, 4, 6 and 8 should also be allowed at least

based on their dependence from independent claims 1 and 3 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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September 26, 2009

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